

REMARKS

In response to the non-final Office Action mailed June 15, 2004, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks.

In the Office Action, claims 1-20 were rejected. More specifically,

- Claims 1-7 and 9-16 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,437,071 (Feigenbaum);
- Claims 1-6, 12-13, 16-18 and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,673,768 (Schmitt);
- Claim 8 was rejected under 35 U.S.C. § 103(a) as being obvious over Feigenbaum in view of German Patent 4,125,780 (Berg);
- Claims 7, 9-11 and 14-15 were rejected under 35 U.S.C. § 103(a) as being obvious over Schmitt in view of Feigenbaum; and
- Claims 8 and 19 were rejected under 35 U.S.C. § 103(a) as being obvious over Schmitt in view of Berg.

By this Amendment, claim 1 has been canceled, claims 2-17 and 20 have been amended, and claim 21 has been added. Thus, claims 2-21 are pending. For the reasons set forth hereinbelow, Applicants respectfully request that the rejections associated with the pending claims be withdrawn.

Claims 2-19 and 21

Applicants have herein amended independent claim 17 to clarify that the ladder comprises a sleeve that covers a substantial portion of the rung between the first and second side rails. Applicants submit that independent claim 17 is not anticipated by Schmitt because Schmitt fails to disclose each and every element of claim 17. *See MPEP § 2131* (stating that a claim is anticipated only if each and every element as set forth in the claim is disclosed in a single prior art reference). More specifically,

Applicants submit that Schmitt fails to disclose, among other things, a ladder comprising “a sleeve that covers a substantial portion of the rung between the first and second rails” as recited in claim 17.

Applicants submit that Schmitt, referring to Figure 2 and column 2, lines 15-38 thereof, merely discloses a wear sleeve 6 that only covers approximately 1.04 inches of the length of a ladder rung - **not** a substantial portion of the rung between the first and second side rails as recited in claim 17. Thus, Applicants submit that claim 17, and any claim that depends therefrom is not anticipated by Schmitt.

For reasons similar to those set forth hereinabove, Applicants also submit that independent claim 17 is nonobvious over the references of record because the references, either alone or in combination, fail to teach or suggest each and every element of claim 17. *See MPEP § 2143* (stating that one of the elements of a *prima facie* case of obviousness under § 103(a) is that the prior art references, either alone or in combination, must teach or suggest every limitation of the claimed invention). More specifically, Applicants submit that the references of record, either alone or in combination, fail to teach or suggest, among other things, a ladder comprising “a sleeve that covers a substantial portion of the rung between the first and second rails” as recited in claim 17.

Applicants further submit that claims 2-16, 18-19 and 21, which depend from claim 17, are also nonobvious over the references of record. *See MPEP §2143.03* (stating that if an independent claim is nonobvious under §103(a), then any claim depending therefrom is nonobvious).

Accordingly, Applicants respectfully request that the § 102(b) and § 103(a) rejections associated with claims 2-21 be withdrawn.

Claim 20

Applicants have herein amended independent claim 20 to clarify that the ladder comprises means for covering a substantial portion of the rung between the first and second side rails. For reasons

similar to those set forth hereinabove with respect to claim 17, Applicants submit that independent claim 20 is not anticipated by Schmitt. *See MPEP § 2131 id.*

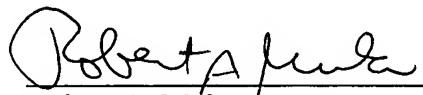
Accordingly, Applicants respectfully request that the § 102(b) rejection associated with claim 20 be withdrawn.

CONCLUSION

Applicants respectfully request a Notice Of Allowance for the pending claims in the present application. If the Examiner is of the opinion that the present application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,

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